

Message Text

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C O N F I D E N T I A L SAO PAULO 0502

E.O. 11652: GDS
TAGS: PINT, BR
SUBJ: USE OF US TEAR GAS DURING POLICE INVASION OF CATHOLIC
UNIVERSITY IN SAO PAULO

REF: A) STATE 006668 B) 1977 SAO PAULO 02479 C) 1977 SAO PAULO 248
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1. SUMMARY: THERE IS NO EVIDENCE THAT US RIOT CONTROL AGENTS WERE USED IN THE POLICE INVASION OF CATHOLIC UNIVERSITY LAST SEPTEMBER. HOWEVER, POLICE VIOLENCE AND THE ALLEGED USE OF AGENTS WHICH CAUSED LASTING BURNS TO A NUMBER OF STUDENTS PROVOKED A THOROUGH INVESTIGATION BY THE STATE ASSEMBLY. THE ASSEMBLY REPORT CALLED FOR THE PROSECUTION OF COL. ERASMO DIAS, STATE SECRETARY OF SECURITY. THE REPORT WAS SWEEPED UNDER THE RUG, BUT STILL RANKLES AMONG STUDENTS AND IN OPPOSITION AREAS. POLICE VIOLENCE DURING THE PUC INVASION AND GOVERNMENT HANDLING OF THE CASE ARE LIKELY TO BE ISSUES IN THIS YEAR'S STUDENT PROTESTS. END SUMMARY.

2. CONGEN HAS RECEIVED COPY OF SAO PAULO STATE ASSEMBLY SPECIAL INVESTIGATORY COMMITTEE REPORT, ISSUED DECEMBER 1, CONCERNING INVASION OF CATHOLIC UNIVERSITY (PUC) ON SEPTEMBER 22, 1977. THE REPORT STATES: "AS FOR THE FLAMES SEEN BY DOZENS OF PROFESSORS
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AND STUDENTS, IT HAS NOT BEEN POSSIBLE FOR THIS COMMITTEE TO VERIFY THE EXISTENCE OF A NEW WEAPON WHICH HAS NOT BEEN USED PREVIOUSLY. BUT SUSPICIONS PREVAIL WHICH DEMAND A REVIEW OF THE NEW TYPES OF WEAPONS ACQUIRED BY THE MILITARY POLICE. THE BURNS SUFFERED BY THE MODEL USED BY THE POLICE TO TEST THE EFFECTS OF THE TEAR GAS BOMB... HAVE ONLY A RELATIVE VALUE, GIVEN THE GREAT DIFFERENCES WITH HUMAN FLESH."

3. THE ISSUE IN THE PUC INVASION (REFTELS B AND C) IS NOT TEAR GAS, BUT OTHER BOMBS WHICH WERE REPORTEDLY USED BY THE POLICE. THE ISSUE OF POLICE WEAPONS HAS NOT COME UP IN OTHER POLICE-STUDENT CLASHES. ACCORDING TO WITNESS SPEAKING ON BEHALF OF THE PUC STUDENT DIRECTORATE, "THE POLICE RAN AFTER THEM (STUDENTS) HYSTERICALLY, HITTING THEM WITH THEIR CLUBS AND THROWING BOMBS WHICH SPOUTED GAS, OTHERS WHICH PRODUCED FLAMES AND OTHERS WHICH SPRAYED ANOTHER LIQUID WHICH BURNED THE SKIN." ANOTHER WITNESS REFERRED TO A "A BLACK BOMB WHICH SHOT OUT SPARKS." CARDINAL ARNS TOLD AMBASSADOR AND CONGEN, DURING FAREWELL CALL FEBRUARY 16, THAT CHURCH HAD FRAGMENTS OF STUDENTS' BURNED CLOTHING EXAMINED IN SWITZERLAND-SWISS LABORATORY DETERMINED THAT BURNS NOT CAUSED BY TEAR GAS. CARDINAL ARNS THOUGHT INFORMATION COULD NOT BE USED LEGALLY, HOWEVER, SINCE EXAMINATION NOT CONDUCTED UNDER BRAZILIAN OFFICIAL AUSPICES.

4. IN EARLY DECEMBER, PROF. DALMO DALLARI, PRESIDENT OF THE JUSTICE AND PEACE COMMISSION, TOLD CONGEN OFF THAT THERE WAS A STRONG SUSPICION THAT THE POLICE WERE USING WEAPONS THAT WERE ILLEGAL IN BRAZIL, POSSIBLY OBTAINED FROM THE US. CONGEN OFF ASSURED DALLARI THAT LEGAL RESTRICTIONS ON SALE OF RIOT CONTROL AGENTS WERE STRICT IN US. IF POLICE HAD NEW WEAPONS, THEY MIGHT BE OF BRAZILIAN MANUFACTURE. DALLARI STATED THAT THERE WAS NO EVIDENCE THAT POLICE RIOT CONTROL AGENTS WERE AMERICAN MADE. HE REMARKED THAT IT WAS DIFFICULT TO PROVE ANYTHING TWO MONTHS
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AFTER THE EVENT. THE POLICE REFUSED TO ALLOW ANYONE TO SEE THEIR WEAPONS AND DENIED THAT THEY CARRIED ARMS WHICH COULD HAVE PRODUCED THE FLAMES. DALLARI SAID THAT, AS OF DECEMBER, FOUR GIRLS STILL HAD EXTENSIVE BURNS (A DOZEN WERE ORIGINALLY HOSPITALIZED) AND THEIR PARENTS WERE PRESSING THE POLICE FOR SATISFACTION. THE PRESS REPORTS THAT THE POLICE ARE PAYING THE GIRLS' HOSPITAL BILLS.

5. THE ASSEMBLY COMMITTEE REPORT WAS SUBMITTED OFFICIALLY TO SAO PAULO GOVERNOR PAULO EGYDIO DECEMBER 22. IT CALLED FOR THE PROSECUTION OF THE STATE SECRETARY OF SECURITY, COL ERASMO DIAS, FOR ABUSE OF AUTHORITY. THE GOVERNOR HAD, FOR DAYS AFTER THE INVASION, PUBLICLY SUPPORTED THE STATE SECRETARY OF SECURITY, WHO HAD PERSONALLY COMMANDED THE OPERATION. ON DECEMBER 27, THE COMMITTEE REPORT WAS SENT TO THE STATE ATTORNEY-GENERAL, DR. RUI JUNQUEIRA, ON DECEMBER 30 SHELVED THE STATE ASSEMBLY REPORT. ON THE BASIS OF THE POLICE REPORT, SEVEN STUDENTS WERE INDICTED UNDER THE PROVISIONS OF THE NATIONAL SECURITY LAW. DR. JUNQUEIRA WAS PROMOTED WITHIN A FEW DAYS OF HIS DECISION ON THE POSITION OF JUDGE ON THE STATE COURT OF APPEALS.

6. ON JANUARY 29, THE STUDENT DIRECTORATE AT PUC RELEASED THE TEXT OF A DOCUMENT "IN DEFENSE OF INDICTED COLLEAGUES" THAT

HAD BEEN APPROVED AT THE JANUARY 21 ORGANIZATIONAL MEETING IN SALVADOR FOR THE CREATION OF A NATIONAL STUDENTS UNION. IT DIPICTED THE SEVEN INDICTED STUDENTS AS VICTIMS OF AN ILLEGAL REGIME AND CLASSED JUNQUEIRA WITH ALLEGED DEATH SQUAD LEADER SERGIO FLEURY AND LEGAL MEDICAL INSTITUTE DIRECTOR (INVOLVED IN COVER-UP OF DEATH OF VLADIMIR HERZOG) HARRY SHIBATA, WHO ALSO RECEIVED REWARDS FOR SERVICES TO THE REGIME.

7. COMMENT: THE POLICE EXCESSES COMMITTED DURING THE INVASION OF PUC HAVE ONLY SLOWLY COME TO LIGHT. THE GOVERNMENT'S JOCKEYING ON THE ISSUE SHOWS THAT IT IS VULNERABLE TO ACCUSATIONS BUT HAS DECIDED TO TOUGH IT OUT. THE VIRULENT NOTE OF THE PUC STUDENT DIRECTORATE SHOWS THAT STUDENTS WILL USE THE POLICE INVASION AND RESULTING INDICTMENT OF STUDENTS AS AN ISSUE IN
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MANIFESTATIONS WHICH ARE EXPECTED TO BEGIN IN MARCH, WHEN MOST UNIVERSITIES RECONVENE.

8. EMBASSY CONCURS.
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